

# Exhibit 12

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

Blue Spike, LLC,

*Plaintiff,*

vs.

Texas Instruments, Inc.,

*Defendant.*

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CASE NO. 6:12-CV-499 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

Shazam Entertainment Ltd.,

*Defendant.*

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CASE NO. 6:12-CV-500 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

iPharro Media, Inc., et al.,

*Defendant.*

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CASE NO. 6:12-CV-502 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

Viggle, Inc.,

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CASE NO. 6:12-CV-526 LED

**JURY TRIAL DEMANDED**

<i>Defendant.</i>	§ § §	
Blue Spike, LLC,  <i>Plaintiff,</i>  vs.  Free Stream Media Corp.,  <i>Defendant.</i>	§ § § § § § § § § § §	CASE NO. 6:12-CV-527 LED  <b>JURY TRIAL DEMANDED</b>
Blue Spike, LLC,  <i>Plaintiff,</i>  vs.  The Echo Nest Corp.,  <i>Defendant.</i>	§ § § § § § § § § § §	CASE NO. 6:12-CV-528 LED  <b>JURY TRIAL DEMANDED</b>
Blue Spike, LLC,  <i>Plaintiff,</i>  vs.  Peer Media Technologies, Inc.,  <i>Defendant.</i>	§ § § § § § § § § § §	CASE NO. 6:12-CV-529 LED  <b>JURY TRIAL DEMANDED</b>
Blue Spike, LLC,  <i>Plaintiff,</i>  vs.    <i>Plaintiff,</i>  vs.	§ § § § § § § § § § §	CASE NO. 6:12-CV-531 LED  <b>JURY TRIAL DEMANDED</b>

BIO-key International, Inc.,  
  
*Defendant.*

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Blue Spike, LLC,  
  
*Plaintiff,*

vs.

TuneSat, LLC,  
  
*Defendant.*

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CASE NO. 6:12-CV-533 LED

**JURY TRIAL DEMANDED**

Blue Spike, LLC,  
  
*Plaintiff,*

vs.

Vercury, Inc.,  
  
*Defendant.*

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CASE NO. 6:12-CV-534 LED

**JURY TRIAL DEMANDED**

Blue Spike, LLC,  
  
*Plaintiff,*

vs.

SoundHound, Inc.,  
  
*Defendant.*

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CASE NO. 6:12-CV-537 LED

**JURY TRIAL DEMANDED**

Blue Spike, LLC,  
  
*Plaintiff,*

vs.

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CASE NO. 6:12-CV-539 LED

Vobile, Inc.,  
  
*Defendant.*

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**JURY TRIAL DEMANDED**

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Blue Spike, LLC,  
  
*Plaintiff,*

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CASE NO. 6:12-CV-540 LED

vs.

Attributor Corp.,  
  
*Defendant.*

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**JURY TRIAL DEMANDED**

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Blue Spike, LLC,  
  
*Plaintiff,*

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CASE NO. 6:12-CV-544 LED

vs.

Miranda Technologies, Inc., et al.,  
  
*Defendants.*

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**JURY TRIAL DEMANDED**

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Blue Spike, LLC,  
  
*Plaintiff,*

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CASE NO. 6:12-CV-556 LED

vs.

Yahoo! Inc.,  
  
*Defendant.*

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**JURY TRIAL DEMANDED**

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Blue Spike, LLC,  
  
*Plaintiff,*

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CASE NO. 6:12-CV-557 LED

vs.

Civolution USA, Inc., et al.,

*Defendants.*

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**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

Google, Inc.,

*Defendant.*

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CASE NO. 6:12-CV-558 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

Adobe Systems, Inc.,

*Defendant.*

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CASE NO. 6:12-CV-564 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

Umami Co.,

*Defendant.*

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CASE NO. 6:12-CV-565 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

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CASE NO. 6:12-CV-567 LED

vs.

Irdeto USA, Inc., et al.,

*Defendants.*

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**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

Zeitera, LLC, et al.,

*Defendants.*

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CASE NO. 6:12-CV-568 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

WiOffer, LLC,

*Defendant.*

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CASE NO. 6:12-CV-570 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

Technicolor USA, Inc., et al.,

*Defendants.*

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CASE NO. 6:12-CV-572 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

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CASE NO. 6:12-CV-576 LED

<i>Plaintiff,</i>	§	
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vs.	§	
	§	<b>JURY TRIAL DEMANDED</b>
Audible Magic Corp., et al.,	§	
	§	
<i>Defendants.</i>	§	
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Blue Spike, LLC,	§	
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<i>Plaintiff,</i>	§	CASE NO. 6:12-CV-577 LED
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vs.	§	
	§	<b>JURY TRIAL DEMANDED</b>
Rovi Corp., et al.,	§	
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<i>Defendants.</i>	§	
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Blue Spike, LLC,	§	
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<i>Plaintiff,</i>	§	CASE NO. 6:12-CV-580 LED
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vs.	§	
	§	<b>JURY TRIAL DEMANDED</b>
YouWeb, LLC, et al.,	§	
	§	
<i>Defendants.</i>	§	
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Blue Spike, LLC,	§	
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<i>Plaintiff,</i>	§	CASE NO. 6:12-CV-581 LED
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vs.	§	
	§	<b>JURY TRIAL DEMANDED</b>
SMRTV, Inc.,	§	
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<i>Defendant.</i>	§	
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Blue Spike, LLC,  
*Plaintiff,*

vs.

ACTV8, Inc.,  
*Defendant.*

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CASE NO. 6:12-CV-582 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,  
*Plaintiff,*

vs.

Broadcast Music, Inc., et al.,  
*Defendants.*

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CASE NO. 6:12-CV-586 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,  
*Plaintiff,*

vs.

The Nielsen Company (US), LLC,  
*Defendant.*

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CASE NO. 6:12-CV-587 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,  
*Plaintiff,*

vs.

CBS Interactive, Inc., et al.,  
*Defendants.*

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CASE NO. 6:12-CV-594 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

Clear Channel Broadcasting, Inc.,

*Defendant.*

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CASE NO. 6:12-CV-595 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

Soundmouse Ltd.,

*Defendant.*

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CASE NO. 6:12-CV-598 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

SecuGen Corp.,

*Defendant.*

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CASE NO. 6:12-CV-607 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

ZkTeco, Inc., et al.,

*Defendants.*

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CASE NO. 6:12-CV-608 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

Fulcrum Biometrics, LLC, et al.,

*Defendants.*

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CASE NO. 6:12-CV-610 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

Fujitsu America, Inc., et al.,

*Defendants.*

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CASE NO. 6:12-CV-616 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

Green Bit, Inc., et al.,

*Defendants.*

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CASE NO. 6:12-CV-645 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

TvTak USA, Inc., et al.,

*Defendants.*

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CASE NO. 6:12-CV-646 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

Innovatrics s.r.o., et al.,

*Defendants.*

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CASE NO. 6:12-CV-647 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

BioLink Solutions Ltd., et al.,

*Defendants.*

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CASE NO. 6:12-CV-648 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

Cross Match Technologies, Inc., et al.,

*Defendants.*

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CASE NO. 6:12-CV-649 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

Digi-Key Corp.,

*Defendant.*

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CASE NO. 6:12-CV-650 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

Griaule Technology, LLC,

*Defendant.*

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CASE NO. 6:12-CV-651 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

Integrated Biometrics, LLC

*Defendant.*

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CASE NO. 6:12-CV-652 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

L-1 Identity Solutions, Inc., et al.,

*Defendants.*

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CASE NO. 6:12-CV-680 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

Lumidigm, Inc.,

*Defendant.*

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CASE NO. 6:12-CV-681 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

BMAT Licensing, S.L.,

*Defendant.*

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CASE NO. 6:12-CV-682 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

TV Interactive Systems, Inc.,

*Defendant.*

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CASE NO. 6:12-CV-684 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

3M Cogent, Inc.,

*Defendant.*

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CASE NO. 6:12-CV-685 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

Antheus Technology, Inc.,

*Defendant.*

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CASE NO. 6:12-CV-686 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

Aware, Inc.,

*Defendant.*

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CASE NO. 6:12-CV-687 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

ImageWare Systems, Inc.,

*Defendant.*

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CASE NO. 6:12-CV-688 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

NEC Corporation of America, et al.,

*Defendants.*

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CASE NO. 6:12-CV-690 LED

**JURY TRIAL DEMANDED**

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Blue Spike, LLC,

*Plaintiff,*

vs.

Precise Biometrics, Inc., et al.,

*Defendants.*

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CASE NO. 6:12-CV-694 LED

**JURY TRIAL DEMANDED**

### **CONSOLIDATION ORDER**

The passage of the Leahy-Smith America Invents Act (“AIA”), which clarified the joinder requirements for cases alleging patent infringement, has resulted in a significant increase in the number of “serially” filed patent cases on the Court’s docket. Similarly, the Federal Circuit’s recent *In re EMC Corp.* decision leads to a nearly analogous result for pre-AIA filings because multi-defendant cases may be severed “[u]nless there is an actual link between the facts underlying each claim of infringement.” 677 F.3d 1351, 1360 (Fed. Cir. 2012). Such serially filed or severed cases, by their nature, involve common issues of law or fact, including claim construction and validity. “If actions before the Court involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay.” Fed. R. Civ. P. 42(a). In applying Rule 42, a court has considerable discretion. *In re EMC Corp.*, 677 F.3d at 1360; *see also Lurea v. M/V Albata*, 625 F.3d 181, 194 (5th Cir. 2011) (“Rule 42(a) provides district courts with broad authority to consolidate actions that ‘involve a common question of law or fact.’”). Because the above-styled cases involve a common question of law or fact, consolidation of the cases would promote efficient case management.

Accordingly, the Court **ORDERS** that the above-styled cases shall be consolidated for pretrial issues only, with the exception of venue. The earliest filed civil action shall serve as the lead case for consolidated issues. The individual cases will remain active for venue motions and trial. Should the parties file motions to transfer or motions to sever and transfer, the Court will consider these motions only as to the defendants in the originally filed (member) cases, not as to all defendants in the pretrial consolidated case. *See Norman*, 2012 WL 3307942, at \*4. All motions, other than venue motions, shall be filed in the consolidated case.



The Plaintiff is ordered to file a notice in the lead case that the case is ready for scheduling conference when all of the Defendants have either answered or filed a motion to transfer or dismiss. The filing of such notice shall not exceed six months from the filing of the lead case absent a showing of good cause. After the scheduling conference, all parties to the consolidated case are ordered to meet-and-confer and submit a uniform Docket Control, Discovery, and Protective Order, which will govern the consolidated case. The local rules' page limitations for *Markman* briefs and other motions will apply to the consolidated case. To further promote judicial economy and to conserve the parties' resources, the Court encourages the parties to file a notice with the Court in the event that there are other related cases currently pending on the Court's docket, as well as future cases Plaintiff intends to file, that may also be appropriate for consolidation with this case.

**So ORDERED and SIGNED this 9th day of October, 2012.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS  
UNITED STATES DISTRICT JUDGE**